



30 AUG 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Mr. Craig Hendrickson
72 Main Street
Framingham, MA 01450

In re Application of :
LAMBERT, et al. :
U.S. Application No.: 10/030,757 :
PCT No.: PCT/US00/11394 :
Int. Filing Date: 28 July 2000 :
Priority Date: 30 April 1999 :
Attorney Docket No.: 253/220 U.S. :
For: COMBINATION ATA/LINEAR FLASH :
MEMORY DEVICE :

Dear Mr. Hendricksen:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Leonard Smith
Legal Examiner
PCT Legal Office

Derek A. Putonen
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DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Petition to Prosecute on Behalf of Co-inventors" filed 18 June 2002 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 28 July 2000, applicant filed international application PCT/US00/11394, which claimed priority of an earlier application filed 30 April 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 15 November 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 October 2001.

On 19 October 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First Preliminary Amendment. An executed oath or declaration was not included.

On 01 May 2002, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was further advised of the need to provide payment of the surcharge for providing an executed oath or declaration of the inventors later than thirty months from the priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 05 July 2001, applicant responded with the present petition to accept the present oath or declaration without the signature of joint inventor Craig HENDRICKSEN accompanied by a declaration executed by joint inventor Grady LAMBERT.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(I), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items and it is appropriate to grant the petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, the petition is GRANTED.

The application will be given an international filing date of 28 July 2000 under 35 U.S.C. 363, and a date of **18 June 2002** under 35 U.S.C. 371 (c).


As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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